

AMENDED IN ASSEMBLY APRIL 10, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2464**

**Introduced by Assembly Member Kuehl**

February 24, 2000

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An act to amend Section 302 of the Welfare and Institutions Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

AB 2464, as amended, Kuehl. Child support: modification.

*Existing law provides that when a child is adjudged a dependent child of the juvenile court any issue regarding custodial rights between his or her parents shall be solely determined by the juvenile court as long as the child remains a dependent of the juvenile court.*

*This bill would provide that any order made by the juvenile court regarding the custody of, or visitation with, a child while the child is a dependent of the juvenile court shall remain in effect after that jurisdiction is terminated unless the court finds that modification of the order is necessary in order to protect the best interest of the child, as specified. The bill would also prohibit the court from granting a motion to modify that order unless the pleadings allege that there has been a material change of circumstances regarding custody or visitation.*

~~Existing law provides that a support order may be modified or terminated at any time as the court determines to be necessary, except as specified.~~

~~This bill would declare the Legislature's intent to enact legislation establishing an administrative process for modification of child support orders.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

~~1 SECTION 1. It is the intent of the Legislature to enact  
2 legislation establishing an administrative process for  
3 modification of child support orders.~~

4 SECTION 1. Section 302 of the Welfare and  
5 Institutions Code is amended to read:

6 302. (a) A juvenile court may assume jurisdiction  
7 over a child described in Section 300 regardless of  
8 whether the child was in the physical custody of both  
9 parents or was in the sole legal or physical custody of only  
10 one parent at the time that the events or conditions  
11 occurred that brought the child within the jurisdiction of  
12 the court.

13 (b) Unless their parental rights have been terminated,  
14 both parents shall be notified of all proceedings involving  
15 the child. In any case where the social worker is required  
16 to provide a parent or guardian with notice of a  
17 proceeding at which the social worker intends to present  
18 a report, the social worker shall also provide both parents,  
19 whether custodial or noncustodial, or any guardian, or the  
20 counsel for the parent or guardian a copy of the report  
21 prior to the hearing, either personally or by first-class  
22 mail. The social worker shall not charge any fee for  
23 providing a copy of a report required by this subdivision.  
24 The social worker shall keep confidential the address of  
25 any parent who is known to be the victim of domestic  
26 violence.

27 (c) When a child is adjudged a dependent of the  
28 juvenile court, any issues regarding custodial rights  
29 between his or her parents shall be determined solely by  
30 the juvenile court, as specified in Sections 304, 361.2, and  
31 362.4, so long as the child remains a dependent of the  
32 juvenile court.



1     (d) Any order issued by the juvenile court regarding  
2     the custody of, or visitation with, a child who has been  
3     previously adjudged to be a dependent child of the  
4     juvenile court shall remain in effect after that jurisdiction  
5     is terminated and shall not be modified unless a juvenile  
6     court, or a superior court in a proceeding or action  
7     described in Section 3021 of the Family Code, finds that  
8     there is substantial evidence, based upon the court's  
9     consideration of facts that were not previously presented  
10    to the court that issued the order, that modification of the  
11    order is necessary in order to protect the best interest of  
12    the child. The court shall set forth the finding and a  
13    description of the supporting evidence on which the  
14    finding is based in writing. In addition, the court shall not  
15    grant a motion to modify an order pursuant to this section  
16    unless the pleadings allege that there has been a material  
17    change of circumstances regarding custody of, or  
18    visitation with, the child.

